

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

PATRICIA ENGLISH and RICHARD ENGLISH, her husband,	:	
	:	
Plaintiffs	:	CIVIL ACTION NO. 3:13-0978
	:	
v	:	
	:	(JUDGE MANNION)
CROWN EQUIPMENT, CORPORATION,	:	
	:	
Defendant	:	

ORDER

In light of the memorandum issued this same day, **IT IS HEREBY ORDERED THAT** defendant Crown's motion to exclude testimony of plaintiffs' engineering expert Harold A. Schwartz, P.E. (Doc. [39](#)), is **GRANTED IN PART** and **DENIED IN PART**. Crown's request for oral argument is **DENIED** as unnecessary. Crown's motion to exclude is **GRANTED** with respect to Schwartz's opinions and testimony regarding design defects with the stock picker's hydraulic system and electrical drive system. Crown's motion to exclude is **DENIED** with respect to Schwartz's opinion and testimony regarding design defects with the stock picker's steering wheel fastening system.

Crown's motion for summary judgment, (Doc. [41](#)), is **GRANTED IN PART** and **DENIED IN PART** as follows:

- 1) Crown's motion for summary judgment is **GRANTED** with respect to plaintiff's negligence claims for failure to warn

and for negligent manufacturing of the stock picker and plaintiff's negligent design claims regarding the stock picker's electrical drive system and hydraulic system raised in Count I.

- 2) Crown's summary judgment motion is also **GRANTED** with respect to plaintiff's strict liability claims for failure to warn and for manufacturing defects contained in Count II and plaintiff's strict liability claims for design defects with the stock picker's electrical drive system and hydraulic system asserted in Count II.
- 3) Crown's summary judgment is **DENIED** with respect to plaintiff's negligent design claim, Count I, and her strict liability design claim, Count II, regarding the stock picker's steering wheel fastening system.
- 4) Crown's summary judgment is **DENIED** with respect plaintiff Richard English's loss of consortium claim, Count III.

A final pretrial conference will be set by separate order.

s/ *Malachy E. Mannion*
MALACHY E. MANNION
United States District Judge

Date: February 16, 2016

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